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EASTERN DISTRICT OF CALIFORNIA
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

Case No. 2:23-cv-2677-ATM-CKD (ps)

JACQUELINE COLEMAN, an
individual;

Plaintiff,

v.

COUNTY OF SACRAMENTO; ERIK
COHEN, in his individual and de-facto
official capacity; CYNTHIA COHEN,
in her individual and de-facto official
capacity; STATE OF CALIFORNIA;
and DOES 1-10,

Defendants.

**VERIFIED FIRST AMENDED
COMPLAINT FOR CIVIL RIGHTS
VIOLATIONS SEEKING
DAMAGES ANNULMENT AND
DECLARATORY JUDGMENT**

1. 42 U.S.C. §1983
(Right to Family – Due Process)
2. 28 U.S.C. §1651
(Error Of Jurisdiction)
3. 28 U.S.C. §2201
(Conspiracy to Violate Civil Rights)
4. (Facial Challenge to Cal. Probate
Code §2250(e)(1) – Due Process)
28 U.S.C. § 2201
5. (As-Applied Challenge to Cal.
Probate Code §2250(e)(1) – Due
Process)
6. Intentional Infliction of Emotional
Distress
7. Negligent Infliction of Emotional
Distress

DEMAND FOR JURY TRIAL

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I. SHORT PLAIN STATEMENT OF THE CLAIM

1. Plaintiff Jacqueline Coleman and Defendant Erik Cohen are the legally separated and biological parents of "E. F. C", now aged 9. At all relevant times, Evelyn was a 3 year old minor child.

2. On September 14, 2016, while working as agents of the Sacramento County Child Abduction Unit, Defendants Erik Cohen (acting under the authority of the California Corrections and Probation Department) and Cynthia Cohen (Erik's mother) secretly went to court and fraudulently obtained a Letters of Temporary Guardianship order over E. F. C.

3. Ms. Cohen (a, widow with significant frontal lobe damage from maculopathy since infancy, which left her legally blind), and Mr. Cohen (a previously convicted violent felon, because he is a malignant narcissist) conspired and fraudulently concealed the residency of the minor from dates; 12/11/2013- 03/2016 from the Court, despite admitting on the record that E. F. C had been living with her parents.

4. The actions of Defendants constituted a fraud upon the court because (a) the Letters of Temporary Guardianship order was made at a secret, unnoticed (thus unconstitutional) hearing; (b) at the secret hearing, Defendants actively concealed the fact that three months *prior* E. F. C was residing with her parents and E. F. C had been in the company of Cynthia only twice prior to the; (c) Petition for Temporary Guardianship was *entirely* founded on the fact Mr. Cohen was incarcerated for domestic violence, Cohen was also subject to formal probation; (d) Defendants supported their efforts by making numerous intentional misrepresentations; (e) but for the Court's reliance on Defendants' intentional misrepresentations, the Letters of Temporary Guardianship would not have been issued – not on September 14, 2016, and not ever.

5. Later in the afternoon of October 02, 2016, Jacqueline showed up at Tahoe Park Pre- School to pick up her daughter E. F. C. However, Cynthia also showed up, now armed with the fraudulently-obtained Letters of Temporary Guardianship

1 6. order, and backed up by the threat of force inherent in the authority of the
2 Sacramento County Child Abduction Unit.

3 7. Cynthia showed the Letters of Temporary Guardianship order to Jacqueline.
4 Fearing the authority of the government, believing that government agents are
5 authorized to use force to carry out court orders, Fear of government force is the
6 only reason Jacqueline Coleman allowed Cynthia Cohen to take E. F. C on
7 October 02, 2016.

8 8. Such facts *shock the conscience*.

9 9. Thus, Plaintiff come to this Honorable United States District Court and bring
10 this civil rights lawsuit pursuant to 42 U.S.C. §1983, seeking to redress the
11 deprivation by Defendants, at all times herein acting under color of state law, of
12 the fundamental right to family unity secured to Plaintiff under the Due Process
13 and/or Equal Protection clauses of the Fourteenth Amendment to the United States
14 Constitution.

15 10. Alternatively, if for whatever reason any Defendant is not held as a State
16 Actor, then Plaintiff seek redress for Intentional and/or Negligent Infliction of
17 Emotional Distress.

18 11. Finally, Plaintiff challenge the constitutionality of California Probate Code
19 2250 (e)(1) ("Statute"), both facially and as applied, as this statute evidently
20 allows a judge to "dispense with" the Notice requirements to parents of a pending
21 Petition for Temporary Guardianship regarding their child.

22
23 11. While the challenged Statute explicitly requires Notice to both parents (and
24 also to the child if over the age of 12), it also speaks of "good cause for the court
25 to order that this notice not be delivered." In practice, dispensing with the Notice
26 requirements (thus dispensing with parents' fundamental rights) involves nothing
27 more than the checking off of a single check-box on court form GC-140 - Order
28 Appointing Temporary Guardian.

1 **II. JURISDICTION**

2 12. Original federal subject matter jurisdiction is conferred on this Court by 28
3 U.S.C. §1343(3) and 1343(4), which provide for original jurisdiction in this
4 Court of all suits brought pursuant to 42 U.S.C. §1983. Jurisdiction is also
5 conferred by 28 U.S.C. §1331(a) because claims for relief derive from the United
6 States Constitution and the laws of the United States. Jurisdiction of this Court
7 over any claim for Declaratory Relief is conferred by 28 U.S.C. §2201.

8 **III. VENUE**

9 13. Venue properly lies in the Eastern District of California, in that the events
10 and circumstances herein alleged occurred in the County of Sacramento, and at
11 least one Defendant resides in the County of Sacramento.

12 **IV. PARTIES**

13 **A. Plaintiff**

14 **V. Plaintiff Jacqueline Coleman** - is an individual, the ex-wife of Erik Cohen,
15 and the kind, loving biological mother of minor child E. F. C.

16 **Plaintiff E. F. C.** - is an individual, the minor of , Jacqueline Coleman,

17 **VI. and Erik Cohen**

18 **B. Defendants**

19 **VII. Defendant County of Sacramento Defendant ("County")** - is a
20 municipality in corporate form, organized and existing under the laws of the
21 State of California. County promulgated, encouraged, and/or permitted, the
22 policies, patterns, and practices under which the individual Defendants, and
23 Does 1 – 10, committed the acts or omissions complained of herein. Said
24 policies, practices, customs, and/or procedures, whether or not promulgated
25 in written form, include, but are not limited to, the policy of permitting false
26 and fraudulent representations to be made to a Court of law as a pretext for
27 seizing children, and as a pretext to pay for the services of minor's counsels,
28 so as to obtain increased

1 funding, whether that increased funding derives from federal funds under Title
2 IV, or from any other source(s).

3 17. **Defendant Erik Cohen (“Mr. Cohen”)** – is an individual, an ex-felon,
4 appointed by the Sacramento Superior Court, supervised by the California
5 Corrections and Probation Department, to act as minor’s legal aid in joint action
6 with County of Sacramento, including but not limited to joint action with the
7 Sacramento County Child Abduction Unit. As such, Mr. Cohen was entrusted to act
8 as a fact finder, and to report about the child’s best interests including the health,
9 safety, and welfare of the child. Mr. Cohen has a prior history of disciplinary actions
10 against him by the California Corrections and Probation Department, where his
11 defrauding his own legal insurance ARAG by double-dipping on reimbursement for
12 attorney fees on purpose was found to constitute moral turpitude. Thus, he is a
13 perfect candidate to carry out the policies and customs of County, which require
14 defrauding both individuals and courts of law so as to increase and expand County’s
15 “need” for funding the costs of minor’s counsels, whether such funding derives
16 ultimately from federal Title IV money, or California taxpayers, or Sacramento
17 County taxpayers, or anywhere else. Mr. Cohen is sued as a de-facto State Actor
18 working in joint action with County, including but not limited to joint action with
19 the Sacramento Child Abduction Unit. Plaintiff seek redress for civil rights
20 violations arising from Mr. Cohen’s harmful actions under the policies and customs
21 of County. Alternatively, Mr. Cohen is sued in his individual capacity for his
22 harmful actions outside the policies and customs of County.

23 18. **Defendant Cynthia Cohen (“Ms. Cohen”)** – is an individual, legally blind
24 from infancy, and the frontal lobe compromised - mother of Defendant Erik Cohen.
25 Ms. Cohen is sued as a de-facto State Actor (under the Joint Action Test) for her
26 involvement in the conspiracy to deprive Plaintiff of her civil rights. Alternatively,
27 Ms. Cohen is sued in her individual capacity for harmful actions outside the policies
28 and customs of County.

19. **Defendant State of California (“State”)** – is a government body organized under the California Constitution, as authorized by the United States Constitution.

20. State is sued only for purposes of challenging the constitutionality of Cal. Probate Code § 2250 (e)(1), and for obtaining an injunction against conducting unnoticed temporary guardianship hearings without good cause to dispense with the Notice requirements to parents.

C. Doe Defendants

21. **Doe Defendants** – are unknown individuals working for County who are responsible for devising, coordinating and otherwise participating in the policies and customs complained of here, and which constitute civil rights violations.

V. FACTUAL ALLEGATIONS

22. At all times relevant herein, prior to the October 02, 2016 seizure and removal of E.F.C by Defendants, Jacqueline and Erik Cohen raised, nurtured, provided guidance, and cared for E.F.C .

23. At all relevant times prior to the wrongful seizure and continued detention of E.F.C by Defendants, Jacqueline and Erik Cohen enjoyed the company, companionship, and society of E.F.C , and all other benefits and burdens of their rights of familial association.

24. During 2016, there were periods of time when E.F.C ’s parents allowed the then-3-year-old to stay with her grandmother, Defendant Cynthia Cohen. At no time did Jacqueline Coleman ever agree to, or discuss, or even consider surrendering her parental rights.

25. Defendant Cynthia Cohen is a widow. Ms. Cohen does not like married couples, and has not since been interested in forming a relationship with a man. However, she is fond of children and long desired a daughter of her own. Ms. Cohen holds a particular animus against Jacqueline because Erik

1 and Jacqueline Coleman formed a long-lasting and loving relationship, and
2 had E.F.C . For this reason, Ms. Cohen became increasingly resentful against
3 Jacqueline and Erik Cohen.

4 26. In 2016, Cynthia decided to defraud the legal process in order to seize E.F.C .
5 As Ms. Cohen learned, County and Erik Cohen were willing to assist her in
6 defrauding the legal process to seize E.F.C , because County receives funding to pay
7 for each minor's legal aid appointment from (KIN-GAP), and SSI.

8 27. On or about June, 2016, Ms. Cohen initiated an investigation of Jacqueline
9 Coleman by Department of Child and Family Services ("DCFS"). The allegation
10 was that, about *3 months prior*, Jacqueline engaged in "domestic violence" in the
11 care of her daughter. In fact, that ancient and vague allegation had already been
12 made years before, thoroughly investigated by the police department, and found to
13 have no merit. Nevertheless, and despite her knowledge that the allegations against
14 Jacqueline were baseless, Ms. Cohen complained to DCFS. [EXHIBIT "E", p. 53]

15 28. During October or November 2016, DCFS contacted Jacqueline and Erik
16 Cohen to investigate Ms. Cohen's allegations. Jacqueline cooperated fully.

17 29. On June 24, 2016, unbeknownst to Jacqueline Coleman, Cynthia Cohen
18 secretly filed a Petition for Temporary Guardianship of E.F.C .
19

20 30. On or about June 24, 2016, Cynthia Cohen mentioned to her son Erik that
21 she intended to take E.F.C away, using the legal process. At that time Cynthia
22 knew of the upcoming September 14, 2016, hearing, but did not notify Jacqueline
23 about it.

24 31. By October 01, 2016 Plaintiff had become aware that Cynthia was
25
26 attempting to do "something" in court regarding E.F.C . But at that time Plaintiff
27
28

1 did not know specifically what Cynthia planned to do, or when she planned to do
2 it.

3 32. On October 01, 2016, fearing that Cynthia would indeed try to use the legal
4 process to take E.F.C away, but not knowing what or when, Jacqueline asserted
5 her fundamental right to parent and went to Tahoe Park Daycare, picked E.F.C
6 up, and took her home.

7 33. On November 09, 2016, Hon. Steven M. Gevercer conducted the first
8 hearing on Ms. Cohen's Petition for Temporary Guardianship in the Superior
9 Court. Although not under oath, Ms. Cohen complained because:

10 [E.F.C] was at the park with her father. She was there the other
11 day and her mom **[Jacqueline Coleman] took her** from my son,
once she knew we were going to court.

12 **[EXHIBIT "B"]**, p. 39

13 34. On October 01, 2016 it is true that Plaintiff was aware that Cynthia was
14 "going to court", and that is exactly why Jacqueline decided to take E.F.C , and
15 exactly why Jacqueline took E.F.C the day before. She is her parent and had
16 every right to take E.F.C .

17 35. At no time was Plaintiff ever given Notice of the September 14, 2016,
18 hearing. The DCFS investigation to the father was still pending at that time.
19 Judge Gevercer stated in terms that, at that time, Plaintiffs' fundamental right to
20 parent was still in existence: **[EXHIBIT "C", p. 54, bolding added.]**

21 [Court] Pending hearing, the Court orders the Temporary Guardian to
22 allow reasonable visitation by Mother, without Father being present.

23 **All temporary/prior orders shall remain in full force and**
24 **effect pending further hearing.**

25 36. At no time was Plaintiff aware of the secret 09/14/2016 hearing that had
26 appointed Cynthia guardianship letters. Petitioner believed a custody order prior
27 to the guardianship was in full force and effect, and that the 11/09/2016 hearing
28 was for Temporary Guardianship. At no time was Plaintiff served notice of the
09/14/2016 hearing for Temporary Guardianship or the 11/09/2016 hearing for
Temporary Guardianship.

1 37. On November 04, 2016, DCFS completed its investigation of the
2 kidnapping allegation against Jacqueline Coleman, and concluded once again
3 that she was exonerated. [EXHIBIT “E”, p. 53]

4 38. At no time was Jacqueline Coleman under the impression her custody was
5 in danger.

6 39. On September 14, 2016, a secret, unnoticed Temporary Guardianship

7 40. hearing took place before Judge Steven M. Gevercer in the Superior Court.
8 As the record in that case makes absolutely clear, the UCCJEA not presented at
9 the hearing. Judge Gevercer began that hearing referring to (1) jurisdiction of a
10 court cannot be merely inferred from somewhere. It needs to be expressly
11 provided in the clear language of any statute that such (2) stating:

12 [Court] **NEEDED: Residency of minor from 12/11/2013-**
13 **03/2016, UCCJEA form.**

14 40. Under any constitutionally permissible proceeding, that would have been
15 the end of the September 14, 2016 hearing. Instead, and according to County’s
16 policy and custom, Mr. Cohen proceeded to falsely state that Jacqueline Coleman
17 been homeless (completely false, she has never been homeless or anything close);
18 that Jacqueline Coleman was “on the lam” and “avoiding the
19 proceedings” (completely false, she hadn’t been served Notice); that efforts had
20 been made to notify Jacqueline Coleman (completely false and *nonsensical*, for
21 E.F.C 's parent had no reason to avoid the hearing, knowing that she had already
22 been cleared of the allegation).

23
24 41. At the September 14, 2016 secret Temporary Guardianship Hearing, when
25 the Court inquired about the status of the UCCJEA form and of Jacqueline
26 Coleman's whereabouts (which naturally would embody the UCCJEA form). Mr.
27 Cohen stated:
28

1 [Cohen] "CPS took [E.F.C] from her mom and just dropped [E.F.C] off at my
2 moms house". "I was at work when this all happened".

3 [1.] Completely false, Erik had been released from jail 3 days prior to Cynthia's
4 petition for Temporary Guardian.

5 [2.] Completely false and nonsensical, E.F.C has never been removed by CPS from
6 her mother.

7 [3.] Completely false, E.F.C was not in immediate danger. After Erik's 1st arrest for
8 violation of a CPO, Jacqueline asked the DA to amend the criminal protective order
9 from peaceful to no-contact for 5 years, which was approved on 06/21/2016.
10

11
12 **[EXHIBIT "F", p. 55]**

13 42. The reason Mr. Cohen did not file his report at the September 14, 2016
14 was that he had formed a specific intent to enrich himself on County, and private
15 money by getting his mother appointed as the disabled minor's guardian, while
16 County enriches itself by gaining a pretext on which to increase its funding.

17 43. Plaintiff believes and on that basis allege that Mr. Cohen also failed to
18 truthfully inform the court because he is a malignant narcissist who derives
19 sadistic schadenfreude from inflicting emotional distress upon innocent human
20 beings, as evidenced by his prior discipline by the California Department of
21 Corrections for repeatedly violating a Criminal Protective Order. Anyone besides
22 a narcissistic sadist would have learned his lesson and changed his ways.

23 44. At the September 14, 2016 hearing, Mr. Cohen threatened to invoke the
24 power and authority of the **Sacramento County Child Abduction Unit** to locate
25 and take E.F.C child into their custody.

26 45. In the preceding quotation, in saying "we", Erik Cohen was
27 referring to himself and the Sacramento County Child Abduction Unit working
28 together in joint action.

1 46. The costs of operating the Sacramento County District Attorney Child
2 Abduction Unit are paid for utilizing County funds. Likewise, the cost of Erik
3 Cohen's services as minor's counsel are paid for utilizing County funds *eg.* [KIN-
4 GAP].

5
6 47. Under California Rules of Court 5.240, a court may appoint private counsel to
7 represent a child in family law cases involving child custody or visitation, on a case
8 by case basis. **Minors' counsel costs are paid for utilizing County funds.**
9 According to the Court's records, minors' counsel costs increased by 17%, from
\$1.6 million in Fiscal Year (FY) 2016-17, to \$1.8 million in FY 2017-18.

10 48. According to the above report, as minor's lead counsel, Erik Cohen is nominally
11 a "private" actor. But Mr. Cohen is appointed by a Superior Court Judge. Mr.
12 Cohen's fraudulently-obtained appointment to represent E.F.C in 2016-2017
13 contributed to the increase in costs for fiscal year 2017 reported by
14 the Assistant Auditor-Controller.

15 49. On June 5, 2019, the Family Law Supervising Judge issued THE FAMILY
16 LAW SUPERVISING JUDGE'S AMENDED STANDING ORDER RE:
17 APPOINTMENT OF MINOR'S COUNSEL, which states,

18
19 The County of Sacramento **shall pay** all or some of the cost of
Minor's Counsel.

20 50. The June 5, 2019 Standing Order goes on to establish escalating payment
21 ceiling levels for the amount of money that minor's counsel can receive in a
22 given case, based on how long the case litigates. For a minor's counsel, e.g.
23 COURT; The Court **appoints** Cynthia Cohen as the Temporary Guardian of
24 the Person of E.F.C and Temporary Letters shall issue.
25 The Court notes the Father, Erik Cohen, has **no objection** to the granting of the
guardianship.

26
27 **[EXHIBIT "C", p.45, "E.F.C" added, bolding added]**
28

1 Erik Cohen, the goal clearly appears to be to litigate long enough to reach
2 “LEVEL SIX”, because that level *has no cost ceiling*.

3 51. It is worth noting that Cynthia Cohen’s Petition for Guardianship of E.F.C , in
4 which Mr. Cohen acted as minor’s counsel, litigated for over 7 ½ years, with him
5 receiving reimbursements from his private legal insurance named ARAG, and
6 receiving money directly from Jacqueline for the same legal services. On
7 information and belief, Erik Cohen succeeded in reaching
8 “LEVEL SIX”.

9 52. Ms. Cohen was present at the September 14, 2016 secret hearing, but for
10 reasons unknown was not sworn in and not placed under oath. The Court inquired
11 of Ms. Cohen as to whether Jacqueline Coleman was served Notice. Suspiciously,
12 Ms. Cohen proffered a proof of service for a then-upcoming November 9th hearing,
13 thus indicating that she understood the concept and requirement for proof of service
14 of Notice to the parents.

15 53. When Judge Gevercer asked Ms. Cohen about whether knew she “was
16 coming in today” (September 14,2016), Ms. Cohen falsely stated “Yes”. In fact,
17 mother did not know about the hearing, or else she would have been there. The fact
18 that mother subsequently appeared dozens of times over the next 7 ½ years in the
19 ensuing, ultimately futile guardianship proceeding lays waste to any idea that
20 Plaintiff were avoiding anything.

21 54. According to the scheme with Mr. Cohen and County, Ms. Cohen falsely
22 stated that she “left a message on the voice mail”, and that the mom was
23 “sent an email”. Undisputedly Mother, Jacqueline Coleman POS filed, served on
24 10/13/2016, Copy of Notice of Hearing for the 11/09/2016 hearing not attached to
25 POS.

26 55. Undisputedly Ms. Cohen was not under oath. Undisputedly Ms. Cohen is
27 party to that guardianship case, thus could not effect valid service even if she had
28 attempted to do so, which she did not.

55. Also at the September 14, 2016, Mr. Cohen stated that:

We know that [E.F.C] attends Tahoe Day Care. So with appropriate letters and orders, [Defendant] would be authorized to give a copy to the school administration and they can preclude anyone [e.g. Jacqueline Coleman , the legal, biological parent] from picking up the child without [Cynthia's] permission.

56. In the preceding quotation, "we" refers to Erik Cohen, and County of Sacramento in joint action.

57. On September 14, 2016, relying on the false representations made by Mr. Cohen and Ms. Cohen, Judge Gevercer issued the Letters of Temporary with - No Expiration Date - Guardianship order.

58. Later on October 02, 2016 Jacqueline Coleman came to pick up her daughter E.F.C from Tahoe Day Care Center. This time, Cynthia Cohen also showed up, with the fraudulently-obtained Temporary Guardianship papers in hand.

59. Plaintiff believe, and on that basis allege that agents of the Sacramento County District Attorney Child Abduction Unit were also present at Tahoe Day Care Center on October 02, 2016 , prepared to use whatever level of force was necessary to compel compliance with the fraudulently-obtained Letters of Temporary Guardianship order.

60. Now aware of the fraudulently-obtained Letters of Temporary Guardianship order, and fearing the power and force of the County of Sacramento, Jacqueline submitted and allowed E.F.C to leave with Cynthia.

61. At no time did Jacqueline voluntarily surrender her fundamental right to parent E.F.C .

62. At a time Erik Cohen did voluntarily surrender his fundamental right to parent E.F.C .

VI. ARGUMENT WHY ERIK COHEN AND CYNTHIA COHEN SHOULD BE HELD AS A STATE ACTORS FOR CIVIL RIGHTS PURPOSES

A. Section 1983 Action Is Appropriate Against a Private Actor Who Works Together With a Government Actor in a Common Plan

1. The Joint Action Test is Well-Established

VII. Nominally, Defendants Erik Cohen and Defendant Cynthia Cohen are not government officials. However, the U.S. Supreme Court established precedent under which a § 1983 claim will lie against a private citizen. *Adickes v. S.H. Kress & Co.* 398 U.S. 144 (1970) (“*Adickes*”), and see also *Smith v. Brookshire Bros.*, 519 F.2d 93 (5th Cir. 1975); *Barrett v. Harwood*, 189 F.3d 297, 304 (2d Cir. 1999).

VIII. Three alternative tests have evolved to determine whether a private citizen might be considered a state actor for purposes of Section 1983: (1) The public function test; (2) The state compulsion test; or (3) The nexus/joint action test. *Focus on the Family v. Pinellas Suncoast Transit Auth.*, 344 F.3d 1263, 1277 (11th Cir. 2003) (“*Focus*”), citing *Willis v. Univ. Health Servs.*, 993 F.2d 837 (11th Cir. 1993), quoting *National Broad. Co., Inc. (“NBC”) v. Communications Workers of Am.*, *AFL-CIO*, 860 F.2d 1022, 1026-27 (11th Cir. 1988)) (other citations omitted). It will be shown that the “nexus” or “joint action” test applies to Mr. Cohen’s conduct, and to Ms. Cohen’s conduct.

2. The Joint Action Test Is Satisfied Here

IX. Where “the state has so far insinuated itself into a position of interdependence with the [defendant] that it was a joint participant in the enterprise.” *Focus, supra*, at 1267. A court will examine whether the government and the acting party are “intertwined in a symbiotic relationship,” as well as whether the relationship involves “the specific conduct of which plaintiff complains.” *Id.*

1 66. Here, Erik Cohen acts as minor's counsel. Cohen is appointed by the
2 Superior Court judge, a government actor, and paid from the funds of Sacramento
3 County, [KIN-GAP] a government entity. The relationship is symbiotic, because
4 without their relationship with minor's counsel, the government is unable to
5 provide that service, thus unable to demand the corresponding funding from
6 taxpayers. On the other hand, without the relationship with government, the
7 minor's counsel won't get paid.

8 67. The relationship between Mr. Cohen and County does involve the specific
9 conduct of which Plaintiffs complain – Mr. Cohen's getting paid by County to
10 issue fraudulent statements to the Court as a false pretext on which to seize
11 children. The relationship between Cynthia Cohen and County also specifically
12 involves the conduct of which Plaintiffs complain – Cynthia provided false
13 allegations upon which to base a Petition for Temporary Guardianship, which
14 enabled Cohen to get appointed, and positioned them both to issue false statements
15 to the Court so as to invoke the power and authority of the Sacramento County
16 Child Abduction Unit, in conformity with the policy and custom of County to
17 allow for such conduct. Also she is paid from the funds of Sacramento County,
18 [KIN-GAP] a government entity.

19 68. The U.S. Supreme Court has found that under the "joint action" test a private
20 party can be fairly said to be a state actor where a private party is a
21 "willful participant in joint action with the State or its agents." *Lugar v.*
22 *Edmondson Oil Co.*, 457 U.S. 922, 923, 102 S. Ct. 2744, 2746 (1982) ("*Lugar*").

23 69. The present case against Ms. Cohen and Mr. Cohen is legally identical
24 *Lugar*, as the following detailed analogy shows. In *Lugar*, a private actor engaged
25 the County to seize property in satisfaction of an alleged debt, by stating an
26 alleged:

27 ...belief that the debtor was disposing of or might dispose of his
28 property in order to defeat his creditors. Acting upon the petition,
a clerk of the state court issued a writ of attachment, which was

1 then executed by the county sheriff which effectively sequestered
2 the debtor's property...

3 *Lugar, supra* at 923

4 70. Here, just like *Lugar*, private actor Ms. Cohen and Erik Cohen engaged the
5 County, including but not necessarily limited to invoking the power and authority
6 of the Sacramento County District Attorney Child Abduction Unit to seize E.F.C
7 from Tahoe Day Care , by falsely stating an alleged belief that Jacqueline Coleman
8 was a danger to E.F.C .

9 71. When the DCFS Report came back with custody to be retained between the
10 parents, Ms. Cohen and Erik and County faced the prospect that their plan to take
11 E.F.C would collapse. This necessitated the escalation of the scheme to
12 fraudulently claim that Plaintiff Jacqueline Coleman was “on the lam”, and
13 “homeless”, and that she had been given notice of the November 09, 2016, hearing
14 fraudulent representations one and all.

15 72. In *Lugar* the private party argued that they were not acting under color of
16 law. But the Supreme Court rejected that argument, finding that a:

17 “...private party's joint participation with state officials in the
18 seizure of disputed property is sufficient to characterize that party
19 as a ‘state actor’ for purposes of the Fourteenth Amendment.”

20 *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 923, 102 S. Ct. 2744, 2746 (1982)

21 73. Likewise, here Mr. Cohen and Ms. Cohen jointly participated with
22 County in the unwarranted seizure and taking of E.F.C on October 1^{st.}, 2016, at
23 Tahoe Day Care. In *Lugar* the State had issued a writ of mandate under a false
24 pretext, just like here, where the State issued a Guardianship under false and
25 fraudulently-obtained pretext. The *Lugar* Court found a sufficient nexus between
26 the private actor’s conduct of engaging government officials on the one hand,
27 and the subsequent seizure of property on the other hand, so as to find a “joint
28 action” for Section 1983 purposes.

1 74. The facts alleged against Mr. Cohen and Ms. Cohen in the present matter are
2 thus *more egregious* than those in *Lugar*, and joint action is more easily found.
3 First, this case involves the destruction of the fundamental right to parent, not
4 merely the destruction of property rights as in *Lugar*. Second, here there are no
5 facts here that even arguably justify the seizure of Evelyn from her parent.

6 75. There is more than sufficient nexus between Mr. Cohen and Ms. Cohen's
7 conduct of engaging The Sacramento County Child Abduction Unit via false
8 allegations, fraudulent representations to the court, and the subsequent seizure and
9 taking of E.F.C against the wishes of her parent and temporarily awarding E.F.C
10 to Ms. Cohen, so as to find a "joint action" for Section 1983 purposes.

11 76. Moreover, it is worth emphasizing that here, as in *Lugar*, the private actor's
12 conduct engaging government officials worked to the mutual benefit of Mr. Cohen,
13 Ms. Cohen and County. Mr. Cohen got appointed to act as minor's counsel and
14 subsequently was paid for hundreds of hours of "service", and reaching "Level Six"
15 with no ceiling on payment; Ms. Cohen got the child she had always wanted. Ms.
16 Cohen's getting paid by County [KIN-GAP] to issue fraudulent statements to the
17 Court as a false pretext on which to seize children. ; while County receives taxpayer
18 funding (whether Title IV federal funding or otherwise) and justifies an *increase* in
19 funding based on the need to retain Mr. Cohen's services.

20
21 77. Under the "symbiotic relationship" test a private party can be fairly said to be
22 a state actor where "the state has so far insinuated itself into a position of
23 interdependence" with a private party that "it must be recognized as a joint
24 participant in the challenged activity." *Burton v. Wilmington Parking Auth.*, 365
25 U.S. 715, 725, 81 S.Ct. 856, 6 L.Ed.2d 45 (1961).

26 78. Here, the benefits obtained by County, by Mr. Cohen and by Ms. Cohen are
27 indeed interdependent. County derives its funding based on "need", i.e. the
28

more minor's counsels, the more need. Cohen and Cohen conspire and agree to issue the false allegations as a false pretext on which to get a temporary guardianship, because otherwise there is no pretext on which to issue a Guardianship, receive SSI benefits, avoid family court jurisdiction for minor, or to appoint a minor's counsel.

79. Ms. Cohen, a blind woman whom has two emotionally disabled (self reported from child abuse), adult children living with her, simply desired a new child to emotionally destroy, E.F.C was in her sights. As Cynthia despises Jacqueline for taking her son, Erik, away from her and starting a family of their own. Mr. Cohen, is not an attorney but he acted as appointed counsel for minor, E.F.C , by not objecting to the granting of guardianship at the secret hearing. Both Cohen and Cohen are thus an interdependent fit for County's policy and custom allowing for fraudulent representations to be made as a false pretext on which to seize children.

80. County has so far insinuated itself into a position of interdependence with Erik Cohen and Cynthia Cohen that County's financial goals -cannot be realized without Mr. Cohen and Ms. Cohen (and others similarly inclined), while Mr. Cohen's goals of earning big money by fraudulent ARAG reimbursements and money for the same legal fees from the county and Ms. Cohen's goals of having a child to use for [KINGAP] money and to emotionally destroy E.F.C , to get back at Jacqueline, cannot be realized without the conspiratorial cooperation of the County of Sacramento, including (but not necessarily limited to) the Sacramento County Child Abduction Unit .

81. That state action exists when the state has so far insinuated itself into a position of interdependence with the acting party that it must be recognized as a joint participant in the challenged activity, which, on that account, cannot be considered to have been so "purely private" as to fall without the scope of U.S. Const. amend. XIV. *Krynicky v. Univ. of Pittsburgh*, 742 F.2d 94, 95 (3d Cir. 1984)

1 **3. Conclusion to De-Facto State Actor**

2 82. Therefore, the Court should find that the factual allegations here satisfy the
3 joint action test, such that Mr. Cohen and Ms. Cohen will be considered
4 State Actors for Section 1983 purposes.

5
6 **VII. Procedural Actions by Plaintiff Jacqueline Coleman, with**
7 **Defendants; County of Sacramento, and Mr. and Ms. Cohen**

8 83. On July 31, 2023, Plaintiff filed her Motion to Dismiss the original
9 Complaint. [2016-00196445-PR-GP-FRC]

10 In that paper, to the Complaint [2016-00196445-PR-GP-FRC], “ Defendant
11 Cohen ... was awarded the minor’s permanent guardianship on January 27, 2017
12 by Co-Defendant Honorable Judge Gervercer.”.

13
14 On July 21, 2023, Defendant filed her Motion to Amend the
15 Original Complaint.[2016-00196445-PR-GP-FRC]
16

17
18 84. On January 15, 2021¹³, 2020, Defendant's filed their Motions to
19
20 object to the FCS Report. [2016-00196445-PR-GP-FRC]
21

22 85. On September 15, 2020, Plaintiff filed her Motion to Dismiss the
23 original Complaint. [2016-00196445-PR-GP-FRC]
24

25
26 ¹ It is not entirely clear to Plaintiff when trial in the Guardianship case –
27 as opposed to pre-trial hearings – may have begun.
28

VIII. CAUSES OF ACTION

FIRST CAUSE OF ACTION

42 U.S.C. § 1983 – Damages

**Deprivation of Right to Family Unity Without Due Process
(Plaintiff v. County, Cohen, and Cohen in their official capacities)**

86. Plaintiffs repeat and incorporate by reference the facts alleged above.

87. According to County's policy and custom to enrich itself by fabricating false pretexts on which to seize children, Defendants acted under color of law to deprive Plaintiffs of the constitutional right to family unity found in the due process clause.

88. The Fourteenth Amendment provides, in relevant part, that:

No State...shall...deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

[U.S. Constitution, Amend. XIV]

89. Regarding the Fourteenth Amendment, and in the context of the fundamental right to parent, U.S. Supreme Court instructs:

The court has long recognized that the amendment's Due Process Clause, like its U.S. Const. amend. V counterpart, guarantees more than fair process. The Clause also includes a substantive component that provides heightened protection against government interference with certain fundamental rights and liberty interests.

[*Troxel v. Granville*, 530 U.S. 57, 60, 120 S. Ct. 2054, 2057 (2000) ("*Troxel*")]

90. *Troxel* unambiguously finds the right to parent to be a *fundamental* constitutional right, and explicitly holds that:

The liberty protected by the Due Process Clause of the United States Constitution includes the right of parents to establish a home and bring up children and to control the education of their own.

[*Troxel, supra*, at 2057]

1 91. Along with all other jurisdictions, California Courts have consistently held
2 that notice is a fundamental component of due process. For example:

3 Parents are entitled to due process notice of juvenile court
4 proceedings affecting the care and custody of their children and
5 the **absence of due process notice to a parent is a fatal defect** in
the juvenile court's jurisdiction.

6 [*In re Claudia S.*, 131 Cal. App. 4th 236, 237 (2005) ("*Claudia*"), bolding added]

7 92. Here, the September 14, 2016, Order affected the care and custody of
8 Jacqueline and Erik Cohens' minor child, as it awarded guardianship to
9 Defendant Cynthia Cohen. It is undisputed that Jacqueline Coleman was
10 not given notice of the hearing, as the Order states:

11 Thrt finds [that] **Notice** of the time and place of hearing **has**
12 **been dispensed with** for **Jacqueline Coleman**
(Mother) for hearing only.

13 [EXHIBIT "C", p. 45, Item 2, bolding added]

14 93. The fact that Erik Cohen had been arrested at her home *3 days prior* to the
15 Temporary Guardianship Order clearly implies that this crucial information was
16 deliberately withheld from the Court, and constitutes fraud upon the court.
17 Committing fraud upon the Court for the purpose of creating a false pretext upon
18 which to seize children is the policy and Custom of County, as executed by Mr.
19 Cohen and Ms. Cohen.

20 94. Fraud Upon the Court occurs when the Court relies on deception and the
21 result is a miscarriage of justice. Withholding crucial facts from the Court is a
22 well-recognized form of fraud upon the court. For example, in *Wells v. Zenz*, the
23 Court found that:

24 The facts in the case support the conclusion that appellant Nina M.
25 Zenz practiced a fraud upon the court in withholding facts which
26 should have been set forth in her affidavit.

27 *Wells v. Zenz*, 83 Cal. App. 137, 142 (Dist. Ct. App. 1927)

1 95. Here, the Court made a referral to DCFS, and ordered Petitioner to bring the
2 DCFS Report to the November 09, 2016 hearing. It is obvious to understand why the
3 Court made that referral – the basis however lacks authority to order a referral for a
4 minor when the court has not obtained subject matter jurisdiction over the issues.
5 Besides, the DCFS investigation was completed, closed and the report issued 5 days
6 *before* the November 09, 2016 hearing for guardianship.

7
8 96. [EXHIBIT“E”, p. 53] The Report indicated the father was on felony probation
9 for domestic violence on mother in the presence of their child, ultimately the report
10 exonerated Jacqueline Coleman of kidnapping her daughter E.F.C , just as the SCPD
11 exonerated Jacqueline Coleman after investigating the exact same dubious allegation
12 2 weeks prior.

13 97. According to the policy and custom of County, and in order to perpetrate a
14 false pretext on which to seize E.F.C , Ms. Cohen and Mr. Cohen both failed to bring
15 the DCFS Report to the November 09, 2016. Hearing. This caused the Court to state:
16 “The Court appoints Cynthia Cohen as the Temporary Guardian of the Person of
17 E.F.C and Temporary Letters shall issue”. Despite the fact the court NEEDED
18 jurisdiction 5 days prior to the November 09, 2016, hearing for a guardianship.

19
20 [EXHIBIT “B”, p. 45]

21 98. On November 09,2016 , both Ms. Cohen and Mr. Cohen knew that Jacqueline
22 Coleman had been cleared of wrongdoing. But instead of telling the truth, they
23 deliberately concealed that crucial information from the Court, such fraudulent
24 concealment being perfectly in line with the policy and custom of County.

25 99. In addition to the fraudulent concealment, Mr. Cohen made intentional
26 misrepresentations of material facts, stating:
27
28

1 DCFS Report was issued, knew that it contained a final custody order from the
2 Juvenile court, and knew that parties were under orders to produce it for the hearing.
3 Thus, when Mr. Cohen said there “are” allegations, he was lying. There “was” an
4 allegation, which allegation had been investigated and closed at the time Mr. Cohen
5 made his statement. Clearly the issue of the allegation is material to the proceeding, it
6 being the issue upon which the entire guardianship is premised.

7
8 100. Second, Cohen knew that Jacqueline Coleman had not been served, because
9 there was no proof of service filed. Thus, Cohen knew that Jacqueline Coleman
10 was not “on the lam”, and was not avoiding the proceedings, as Cohen falsely
11 stated. Mr. Cohen knew that Jacqueline Coleman was not present at the
12 September 14, 2016 hearing for a much more obvious and sinister reason – she
13 had not been served notice.

14 101. Jacqueline Coleman would not avoid the proceedings. Jacqueline Coleman
15 is a kind and loving mother who, having been exonerated, had no reason to avoid
16 the proceedings, and every reason to attend them. Clearly the issue of why
17 Jacqueline Coleman was not present at the September 14, 2016, hearing is
18 material, for when it is shown that lack of notice is the reason, all basis for the
19 pending guardianship disappears.

20 102. Therefore, the Court must find that Mr. Cohen’s statement “there are
21 allegations of kidnapping on the part of the biological mother, who apparently is
22 on the lam – and avoiding these proceedings” is an intentionally false statement
23 on a material issue made for the purpose of intentionally violating the
24 fundamental right to parent found in the Due Process clause.

25 103. Had the Court been made aware that Jacqueline Coleman was cleared of
26 kidnapping in the DCFS Report, it would have made the correct decision – to not
27 issue a permanent guardianship order.

28

1 104. Moreover, if she had been served, Jacqueline Coleman would present to the
2 court the NEEDED UCCJEA form re: residency of of a minor,
3 12/11/2013-03/2016 , which would have have dismissed this case out right for lack
4 of jurisdiction. The only reasonable inference from these facts is that Mr. Cohen
5 and Ms. Cohen made a plan to defraud the Court, and knew that the mothers'
6 appearance at the hearing would spoil the plan to defraud the court.

7 105. Instead, acting in reliance on the deception, the Court issued the January 25,
8 2017, Letters of Guardianship order.

9
10 106. In considering the allegation that County has a policy and custom to perpetrate
11 fraud as a pretext to seize children, it is worth noting that Mr. Cohen was under the
12 formal supervision of the California Department of Corrections.

13
14 107. Thus, County knew of Mr.Cohen's penchant for perpetrating fraud upon the
15 court, approved of him, and paid him many times. The only reasonable inference is
16 therefore that County has a policy and custom to approve of and to pay minor's
17 acting as counsel who are ready, willing and able to perpetrate fraud upon the court
18 as a false pretext to seize children, that serving the financial interest of County

19 108. (because they can justify increases in funding) and Mr. Cohen (because he gets
20 to "Level Six"), and the personal goals of gaining a child with autism for (Kin-Gap),
21 and SSI benefits, by his mother Cynthia Cohen.

22 109. Mr.Cohen's moral turpitude is pertinent for another reason: No Court
23 should give any credibility to any statement by Cohen, especially including
24 Cohen's demonstrably false contention that Jacqueline Coleman was "avoiding
25 the proceedings", or that Jacqueline Coleman was "homeless", or anything else
26 that emanates form Mr. Cohen's fraudulent façade. In fact Cohen was arrested
27 once at Jacqueline's home for abuse and violation of a protective order just 3
28 days before the temporary guardianship.

[EXHIBIT"A", p. 39,]

110. County, Mr. Cohen, Ms. Cohen and each of them acted under color of law to deprive Jacqueline Coleman of her constitutional right to family unity.

111. Therefore, County, Mr. Cohen, Ms. Cohen and each of them are liable to Jacqueline Coleman for violation of Civil Rights.

112. SECOND CAUSE OF ACTION

112. Jurisdiction has not been defined under the Code of Civil Procedure (hereinafter CPC or the Code). Black's Law Dictionary defines the term as "A court's power to decide a case or issue a decree."

113. If a case has been decided by a court which does not have jurisdiction to decide that matter, such lack of jurisdiction will go back to the root of matter and authority of the court to decide that matter can be challenged.

114. LACK OF JURISDICTION

1. When a court does not have jurisdiction to decide a matter in the first place, it is lack of jurisdiction.
2. So there is no jurisdiction at all.
3. The decision given in lack of jurisdiction can be declared null.
4. There cannot be any appeal or revision of such judgment.

115. IRREGULAR EXERCISE OF JURISDICTION

1. When the court having jurisdiction exercises its power wrongly, it is an irregular exercise of jurisdiction.
2. The court has jurisdiction to decide the matter but it merely exercises its power irregularly.
3. The judgment pronounced by the irregular exercise of jurisdiction is not null because the power to decide includes the power to decide rightly as well as wrongly.
4. The wrongly decided judgment can be appealed for or can be corrected during revision. Jurisdiction is the power of a court to decide a matter where such power is provided by the statute and cannot be conferred or taken away by mere consent of the parties involved in the suit.

1 116. Major S.S. Khanna v. Brig. F.J. Dillon

2 In part states:

3
4 117. The declarations made in the plaint by the plaintiff are used to determine
5 the jurisdiction of the court.

6 118. Such facts in the plaint that decide jurisdiction of a court are known as
7 jurisdictional facts.

8 119. Subject matter jurisdiction can not be consented to by the parties or
9 waived by agreement or stipulation.
10

11 120. Conclusion, Here an important side note pertains to the petitioner's true
12 author was in fact Erik Cohen, because his mother, Cynthia is legally blind, she
13 would not have been able to read the question (left blank) on the UCCJEA
14 without assistance.
15

16
17 121. If not for Mr. Cohen's intrinsic fraud upon the court to deprive Jacqueline
18 of her Civil Right to Family , the petition would not have passed the court clerk
19 that faithful day.
20

21 122. If not for Ms. and Mr. Cohen's intentional deception to the court an error
22 in jurisdiction, ultimately resulted in granting a guardianship over a minor, thus
23 dispensing with parents' fundamental rights would not have occurred on
24 September 14, 2016, - and not ever.
25

26 123. **[EXHIBIT "A", p. 39]**, Copy of 2015 - Rental Lease for, 3048 53rd
27 Street].
28

1
2 124.

THIRD CAUSE OF ACTION
42 U.S.C. § 1983 - Damages
Conspiracy to Violate Civil Rights
(Plaintiff v. County, Cohen, and Cohen in their official capacities)

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4
5
6
7 125. Plaintiff repeat and incorporate by reference the facts alleged above.

8
9 126. A conspiracy is an agreement between two or more persons to commit an
10 illegal act.

11 127. Acting under color of law, County, Mr. Cohen and Ms. Cohen concocted,
12 agreed upon, and then successfully executed a scheme to defraud Plaintiff and to
13 defraud the Superior Court so as to create a false pretext on which to seize E.F.C
14 and deliver her to Ms. Cohen. Supra. County and Mr. Cohen were monetarily
15 enriched, while Ms. Cohen got the child she had always wanted. Supra.
16
17

18 128. The conspiratorial scheme executed here was consistent with County's policy
19 and custom, as set forth throughout.
20

21 129. Therefore, County, Mr. Cohen and Ms. Cohen are liable to Plaintiff for
22 Conspiracy to Violate Civil Rights.
23
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FOURTH CAUSE OF ACTION
28 U.S.C. § 2201 – Declaratory Judgment
Facial Challenge to Cal. Probate Code § 2250 (e)(1)
Void for Vagueness - Due Process
(Plaintiff v. State of California)

130. Plaintiff repeat and incorporate by reference the facts alleged above.

131. California Probate Code § 2250 (e)(1) violates Due Process on its face by allowing a judge to dispense with Notice requirements on a Temporary Guardianship hearing for no stated reason at all. It is also unconstitutionally vague.

132. California Probate Code provides, in relevant part, that:
Unless the court for good cause otherwise orders, at least five court days before the hearing on the petition [for Temporary Guardianship], **notice** of the hearing **shall** be ... personally delivered ... to the **parent or parents** of the proposed ward.

Cal. Probate Code § 2250 (e)(1), emphasis added.

133. As to what may constitute “good cause” to dispense with the notice requirements to parents of a pending petition for Temporary Guardianship, the statute rather cryptically states:

On or before January 1, 2008, the Judicial Council shall adopt a rule of court that establishes uniform standards for good cause exceptions to the notice required by subdivision (e), limiting those exceptions to only cases when **waiver of the notice is essential to protect** the proposed conservatee or **ward**, or the estate of the proposed conservatee or ward, from **substantial harm**.

Cal. Probate Code §2250 (k), bolding added

134. As Plaintiff read the statute, it does not presently guarantee that waiver of notice is limited to the prevention of substantial harm, only that the Judicial Council was instructed to adopt a rule of court to that effect by 2008.

135. If the Judicial Council ever did adopt such a rule as contemplated in §2250 (k), it certainly isn’t reflected in the Judicial Council GC-140 form utilized in the Cohen case, which cites §2250,

1 about what might or might not constitute “good cause” for waiving the notice
2 requirements. Instead, the form as filled out by Judge Gervercer on
3 September 14, 2016 reads, in relevant part:

4 COURT - Notice dispensed for hearing - mother [Jacqueline Coleman].
5 **[EXHIBIT “C”]** p.41

6 136. Thus, the Judicial Council did not adopt a rule of court that establishes
7 uniform standards for good cause exceptions to the notice required, and did
8 not limit those exceptions to only cases when waiver of the notice is essential to
9 protect the proposed ward from substantial harm.
10

11 137. There certainly was no risk of substantial harm to E.F.C on , September 14,
12 2016 , as her kind and loving mother Jacqueline Coleman had obtained a 5 year CPO,
13 protecting herself and E.F.C against the father 3 months prior to the hearing. Supra.
14

15 138. Judge Gervercer did not state any “good cause” for “dispensing with” the
16 notice requirements.
17

18 139. The issue of Notice was challenged to the trial Court in January 2021 with
19 a Motion to Set Aside the Order of Temporary Guardianship. Although the
20

21 140. Honorable Calvin Culhan heard the motion, he essentially declined to
22 consider the matter, stating:

23 It is surely true that Judge Gervercer found “good cause” to “dispense
24 with” one parents’ right to Notice, as evidenced by nothing less and nothing more
25 than the check box on the GC-140 form.
26

27 141. The constitutional problem is that the statute and the Judicial Council form
28 do not require anything besides a check mark on a form. There is no requirement
29

1 for a finding that the proposed ward (here, E.F.C) is at risk of substantial
2 harm. There is no standard for “good cause” *at all*.

3 142. The U.S. Supreme Court has explained what will invalidate a law for vagueness:

4 [V] agueness may invalidate a law for either of two independent reasons. First, it may fail to
5 provide the kind of notice that will enable ordinary people to understand what conduct it prohibits.
6
7 Second, it may authorize and encourage arbitrary and discriminatory enforcement.

8 143. Clearly, Cal. Probate Code § 2250 (e)(1) fails to provide the kind of notice that will allow
9 ordinary people to understand what judicial conduct it prohibits. All that is necessary is for a judge
10 to check off a check box, and that constitutes “good cause” to “dispense with” both parents right to
11
12 be notified that their child is about to be taken and given to someone else. This authorizes arbitrary
13 and discriminatory enforcement, as occurred in the case of Jacqueline and Evelyn Coleman, for
14 example.

15 144. Thus, under either or both of the tests articulated in *City of Chicago v. Morales*, *supra*, the
16 Court should issue a Declaratory Judgment and opinion that California Probate Code § 2250 (e)(1)
17 is unconstitutionally void for vagueness on its face, and that it violates substantive Due Process.

18
19 *City of Chicago v. Morales*, 527 U.S. 41, at 56 (1999), and see also *Johnson v.*
20 *United States*, (2015) 135 S.Ct. 2551 (striking a severable portion of a criminal
21 statute for vagueness); and *Sessions v. Dimaya*, (2018) 138 S.Ct. (striking a
22 severable portion of a civil statute for vagueness).

23 **FIFTH CAUSE OF ACTION**
24 **28 U.S.C. § 2201 – Declaratory Judgment**
25 **As-Applied Challenge to Cal. Probate Code § 2250 - Due**
26 **Process (Plaintiff v. State of California)**

27 145. Plaintiff repeat and incorporate by reference the facts alleged above.

28 146. Parenting is a fundamental constitutional right. *Supra*.

147. By not requiring Notice to parents, Cal. Prob. Code § 2250 (e)(1) violates Due Process on its face. Supra. Assuming for sake of discussion that “good cause” to do away with the Notice requirements is sufficiently defined on the face of the Statute, it certainly was applied to Jacqueline Coleman in a manner that deprived her of her Due Process rights.

148. On September 14, 2016 a secret Temporary Guardianship hearing took place, at which an Order was made allowing 3-year old E.F.C to be seized from her mother, and taken away from her kind and loving, biological family, whom CPS filed a report before the unlawful seizure.

149. The “good cause” to “dispense with” Notice and conduct a top secret, unnoticed Temporary Guardianship hearing was nothing more than a check-box on a court form. No further explanation was given for doing away with Notice.

150. Therefore, the Court should issue a Declaratory Judgment and opinion that California Probate Code § 2250 (e)(1) unconstitutionally violated substantive and/or procedural Due Process as applied to Jacqueline Coleman.

SIXTH CAUSE OF ACTION

Intentional Infliction of Emotional Distress - Damages (Plaintiff v. Cohen and Cohen in their individual capacities)

151. Plaintiff repeat and incorporate by reference the facts alleged above.

152. Mr. Cohen and Ms. Cohen fabricated a false and fraudulent pretext to seize a minor child away from her kind and loving, legal, and biological parent. This is extreme and outrageous.

153. The seizure and taking custody of Evelyn was intended to cause Jacqueline Coleman emotional distress. At minimum, Mr. Cohen and Ms. Cohen acted with reckless disregard of the probability that Jacqueline Coleman would suffer emotional distress.

SEVENTH CAUSE OF ACTION

**Negligent Infliction of Emotional Distress - Damages
(Plaintiff v. Cohen and Cohen in their individual capacities)**

1 154. Mr. Cohen and Ms. Cohen know that Jacqueline Coleman must be present in her
2 own home without E.F.C , and that this causes intense emotional distress every day that **she must**
3 **live like this.**

4
5 155. Jacqueline Coleman do indeed suffered severe emotional distress over the theft of her
6 child, including fear, anger, mortification, shock, humiliation, worry, anguish, grief and dread.

7 156. Ms. Cohen's conduct was a substantial factor in causing Jacqueline Coleman to suffer
8 severe emotional distress. Likewise, Mr. Cohen's conduct was a substantial factor in causing
9 Jacqueline Coleman to suffer severe emotional distress.

10
11 157. Therefore, Mr. Cohen and Ms. Cohen are jointly and severally liable to Plaintiff
12 for Intentional Infliction of Emotional Distress.

13 158. Therefore, Mr. Cohen and Ms. Cohen are jointly and severally liable to Plaintiff for
14 Intentional Infliction of Emotional Distress. Plaintiff repeat and incorporate by reference the
15 facts alleged above.

16
17 159. Mr. Cohen and Ms. Cohen each owed Jacqueline Coleman a duty to act as a reasonable
18 person regarding custody of E.F.C .

19 160. Mr. Cohen and Ms. Cohen breached their duty when they fabricated a false and
20 fraudulent pretext to seize and take custody of a minor child away from her kind and loving
21 parent.

22
23 161. The seizure and taking custody of Evelyn was the actual and proximate cause of the
24 serious emotional distress now suffered by Jacqueline Coleman which serious emotional distress
25 includes fear, anger, mortification, shock, humiliation, worry, anguish, grief and dread.

26 162. Ms. Cohen's conduct was a substantial factor in causing Jacqueline Coleman to suffer
27 serious emotional distress. Likewise, Mr. Cohen.
28

SEVENTH CAUSE OF ACTION

**Negligent Infliction of Emotional Distress - Damages
(Plaintiff v. Cohen and Cohen in their individual capacities)**

conduct was a substantial factor in causing Jacqueline Coleman to suffer serious emotional distress.

163. Therefore, Mr. Cohen and Ms. Cohen are jointly and severally liable to Plaintiff for Negligent Infliction of Emotional Distress.

IX. PRAYER FOR RELIEF

Wherefore, Plaintiffs pray for relief as follows:

General Damages – for pain and suffering in an amount found reasonable, but not less than \$1,000,000;

Actual Damages – for medical and other expenses caused by Defendants' conduct, in an amount to be proven at trial, but not less than \$200,000;

Punitive Damages – as allowed by statute, to punish Defendants, make examples of them, and to deter future such conduct, in an amount sufficient to accomplish the purpose of punitive damages, in light of the net worth of Defendants, such amounts to be proven at trial;

Declaratory Judgment – that Cal. Probate Code § 2250 (e)(1) is unconstitutionally void for vagueness on its face, or alternatively, that Cal. Probate Code § 2250 (e)(1) is unconstitutional as applied to Plaintiffs, for the statute as presently written allows conducting a Temporary Guardianship hearing without Notice to the parents, and without good cause to avoid notice;

Permanent Injunction – prohibiting the State of California from conducting a Temporary Guardianship hearing without Notice to parents or without good cause to avoid notice;


Costs and Fees – as incurred in prosecuting this action, including reasonable attorney fees as allowed by statute;

Any other such relief as is appropriate.

1
2
3
4 Plaintiffs demand a trial by jury on all issues so-triable.
5
6
7

8 **X. DEMAND FOR JURY TRIAL**
9
10
11

12 Respectfully submitted on November 09, 2023
13
14


15 
16 _____

Jacqueline Coleman
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XI. VERIFICATION OF Jacqueline Coleman

I, the undersigned Plaintiff, is the parent of Evelyn Faith Cohen. I have made a thorough review of all the factual allegations stated in the above complaint. These facts are within my personal knowledge, and I attest to the accuracy thereof. As to those facts alleged on information and belief, I believe those things to be true, as reasonable inferences from the facts which are within my personal knowledge. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Respectfully submitted on November 09,2023



Jacqueline Coleman

V. EASTERN DISTRICT OF CALIFORNIA

EXHIBIT AND WITNESS LIST

[illegible]

Page 1 of 37 Pages

37 of 55

[EXHIBIT] “A”

"A"
1

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
WILLIAM R RIDGEWAY FAMILY RELATIONS COURTHOUSE

PROBATE NOTES - September 14, 2016

Event Date: 11/09/2016

Event Time: 11:00:00 AM

Dept: 129

Judicial Officer:

Case Title: In the Matter of Cohen

Case No: 34-2016-00196445-PR-GP-FRC

Case Category: Probate

Case Type: Guardianship Of Person Only

Event Type: Petition for Hearing - Guardianship Probate

Moving Party: Cynthia M Cohen

Causal Document & Date Filed : Petition for Appointment of Guardian of Minor(s), 06/24/2016

PETN FOR APPOINTMENT OF GUARDIAN OF THE PERSON

Minor: Evelyn Cohen
DOB 12/11/2013

PETNR Cynthia Cohen Paternal grandmother

FILED PCI rpt REC: grant
WAIVED Assessment of \$800 Filing fee waiver granted

NEEDED Notice of hearing with proof of personal service, judicial council form GC-020 or diligence search, local form LP-010 regarding efforts to identify and or locate for service of copy o petn at least 15 days prior to the date for hearing:

Father: Erik Cohen
Mother Jacqueline Coleman

NEEDED Notice of hearing with proof of mail service, judicial council form GC-020 or diligence search, local form LP-010 regarding efforts to identify and or locate for service of copy o petn at least 15 days prior to the date for hearing:

Maternal grandparents Not listed
Siblings See PCI rpt

NEEDED UCCJEA form re: residency of minor from 12/11/2013 to 3/2016

[EXHIBIT] “B”

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO
WILLIAM R RIDGEWAY FAMILY RELATIONS COURTHOUSE**

MINUTE ORDER

DATE: 09/14/2016 TIME: 11:00:00 AM DEPT: 129
JUDICIAL OFFICER PRESIDING: Steven M Gevercer
CLERK: L. Cox
REPORTER/ERM:
BAILIFF/COURT ATTENDANT: E. Reed

CASE NO: **34-2016-00196445-PR-GP-FRC** CASE INIT.DATE: 06/24/2016
CASE TITLE: **In the Matter of Cohen**
CASE CATEGORY: Probate

EVENT ID/DOCUMENT ID: ,13802609

EVENT TYPE: Petition for Hearing - Guardianship Probate

MOVING PARTY: Cynthia M Cohen

CAUSAL DOCUMENT/DATE FILED: Petition for Appointment of Guardian of Minor(s), 06/24/2016

APPEARANCES

Cynthia M Cohen, self represented Petitioner, present.
Erik Cohen

Petition for Hearing - Guardianship Probate continued to 11/09/2016 at 11:00 in this department.

The Court appoints Cynthia Cohen as the Temporary Guardian of the Person of Evelyn Cohen and Temporary Letters shall issue.

The Court notes the Father, Erik Cohen, has no objection to the granting of the guardianship.

Hearing is continued for proof of service on Mother, Jacqueline Coleman, of the Petition and Notice of Hearing for the November 9, 2016 hearing date.

[EXHIBIT] “C”

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SACRAMENTO**

WILLIAM R RIDGEWAY FAMILY RELATIONS COURTHOUSE

MINUTE ORDER

DATE: 01/15/2021

TIME: 09:00:00 AM

DEPT: 129

JUDICIAL OFFICER PRESIDING: Kevin Culhane

CLERK: J. Keen

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **34-2016-00196445-PR-GP-FRC** CASE INIT.DATE: 06/24/2016

CASE TITLE: **In the Matter of Cohen**

CASE CATEGORY: Probate

EVENT ID/DOCUMENT ID: ,18797191

EVENT TYPE: Petition for Hearing - Guardianship Probate

MOVING PARTY: Jacqueline Coleman

CAUSAL DOCUMENT/DATE FILED: Petition for Termination of Guardianship, 09/11/2020

APPEARANCES

Cynthia M Cohen, self represented Petitioner, appeared remotely via video.

Susan C Hill, counsel, present for Minor(s) remotely via video.

Jacqueline Coleman, self represented Objector, appeared remotely via video.

Shawn Evan, Attorney for the Guardian, appeared remotely via video

Erik Cohen, the Father, appeared remotely via video

Shelly O'Brian, Attorney making a special appearance for the Petitioner, appeared remotely via video

The Investigation Report was read and considered by the Court.

Petition for Hearing - Guardianship Probate continued to 02/26/2021 at 09:00 in this department.

Parties request a continuance as the Mother and Father have a Domestic Violence Hearing and custody hearing coming up in their Family Law case (17L02710) January 26, 2021.

DATE: 01/15/2021

MINUTE ORDER

DEPT: 129

Page 1

Calendar No. 3

[EXHIBIT] “D”

E-D
1

Lease

LANDLORD: "James" Xiaoyan Fang

TENANT: Erik Mkhael Cohen

Jacqueline Star Cohen

PROPERTY: 3048 53rd St, Sacramento, CA 95820

IN CONSIDERATION of the mutual covenants and agreements herein contained, Landlord hereby leases to Tenant and Tenant hereby leases from Landlord the above-described property under the following terms:

1. TERM. This lease shall be for a term of two year beginning Dec 16th, 2013 and ending Dec 14th, 2015. If Tenant is in possession of the unit for one year or more, a sixty-day notice to vacate will be served by Landlord. Additional rent shall be charged on a daily basis if Tenant holds over, prorated as 1/30th of the monthly rent at that time, using a thirty-day month for proration.

2. RENT. The rent shall be \$1450 per month and shall be due on or before the first day of each month. If rent is received more than three days late, a late charge of \$5/day shall be paid.

3. PAYMENT. Payment must be received by Landlord on or before the due date at the following address: 1218 Funston Ave, San Francisco CA 94122 or such place as designated by Landlord in writing. Tenant understands that this may require early mailing. If a check bounces, Tenant agrees to pay a late charge of \$30, and Landlord may require future payments in cash, money order, or certified funds. Tenant is hereby notified that default of financial obligations under this agreement may be reported to credit reporting companies and may result in derogatory information on Tenant's credit report. Payment in person may be made on ☐Monday ☐Tuesday ☐Wednesday ☐Thursday ☐Friday ☐Saturday ☐Sunday between the hours of _____(am) and _____(pm). Acceptable methods of payment are: ☐cash ☐personal check ☐cashier's check ☐money order ☐credit (contact owner or agent to arrange).

4. DEFAULT. In the event Tenant defaults under any terms of this agreement, Landlord may recover possession as provided by law and seek monetary damages.

5. SECURITY. Landlord acknowledges receipt of the sum of \$1500 as security deposit. This deposit may not be used as last month's rent. Landlord may withhold from the security deposit amounts necessary to cover unpaid rent, damages to the premises and/or Landlord's personal property caused by Tenant beyond ordinary wear and tear, and cleaning of the premises, if necessary.

Within three weeks after Landlord retakes possession of the premises, Landlord shall furnish Tenant with a written statement itemizing the amounts withheld with explanation and returning any unused portion of the deposit to Tenant.

6. UTILITIES. Tenant agrees to pay all utility charges on the property except: water, sewage and garbage.

7. MAINTENANCE. Tenant has examined the premises and has found them to be clean, safe, and in good repair and condition with the exception of the following: See the check in and check out list.

Tenant agrees to return the premises to Landlord at the termination of the tenancy in the same clean, safe, good repair and condition, except for normal wear and tear.

8. LOCKS. If Tenant adds or changes locks on the premises, Landlord shall be given copies of the keys. Landlord shall at all times have keys for access to the premises in case of emergencies.

9. ASSIGNMENTS AND SUBLETTING. Tenant may not sublet the premises nor any portion of the premises, nor may Tenant assign this agreement without written permission of Landlord.

10. USE. Tenant shall not use the premises for any illegal purpose or any purpose that will increase the rate of insurance, and shall not cause a nuisance for Landlord or neighbors. Tenant shall not create any environmental hazards on the premises.

11.1 LAWN (CHECK AND INITIAL): Tenant agrees to maintain the lawn and other landscaping on the premises at Tenant's expense. Yes _____ No _____ Initials _____ (Lawn Service is not included in the rent)

11.2 Alarm system (CHECK AND INITIAL): Tenant agrees to install and maintain the alarm system on the premises at Tenant's expense. Yes _____ No _____ Initials _____

12. LIABILITY. Tenant shall be responsible for insurance on Tenant's own property and agrees not to hold Landlord liable for any damages to Tenant's property on the premises.

13. ACCESS. Landlord may enter the premises as allowed by Section 1954 of the California Civil Code. Refusal by the tenant to allow entry as permitted by the code will breach this contract and may result in eviction. The word "Landlord" includes owner(s), owner's agent(s), and employee(s).

14. PETS. No pets shall be allowed on the premises except: _____

15. WATERBEDS. No waterbeds or liquid-filled furniture shall be allowed on the premises without Landlord's written permission.

16. OCCUPANCY. The premises shall be occupied as a residence only, and shall be occupied only by the following persons: (List all occupants, both adults and minors) _____

17. TENANT'S APPLIANCES. Tenant agrees not to use any heaters, fixtures, or appliances drawing excessive current without consent of Landlord.

18. PARKING. Tenant agrees that no parking is allowed on the premises except: _____ No boats, recreation vehicles, or disassembled automobiles may be stored on the premises.

19. FURNISHINGS. Any articles provided to Tenant and listed on attached schedule are to be returned in good condition at the termination of this agreement.

20. ALTERATIONS AND IMPROVEMENTS. Tenant shall make no alterations to the property without the written consent of Landlord, and any such alterations or improvements shall become the property of Landlord.

21. SMOKE DETECTORS. Tenant shall be responsible for keeping smoke detectors operational and for changing batteries when needed.

22. LIENS. The estate of Landlord shall not be subject to any liens for improvements contracted by Tenant.

23. HARASSMENT. Tenant shall not do any acts to intentionally harass Landlord or other tenants.

24. ATTORNEY'S FEES. In the event of legal action, the prevailing party (shall) (shall not) recover reasonable attorney's fees in addition to any other recovery.

25. SEVERABILITY. In the event any section of this agreement shall be held to be invalid, all remaining provisions shall remain in full force and effect.

26. RECORDING. This agreement shall not be recorded in any public records.

27. WAIVER. Any failure by Landlord to exercise any rights under this agreement

shall not constitute a waiver of Landlord's rights.

28. SUBORDINATION. Tenant's interest in the premises shall be subordinate to any encumbrances now or hereafter placed on the premises, to any advances made under such encumbrances, and to any extensions or renewals thereof. Tenant agrees to sign any documents indicating such subordination which may be required by lenders.

29. ATTACHMENTS: The following attachments are incorporated and made a part of this agreement. (Tenant should initial)

A. _____

B. _____

C. _____

D. _____

30. ENTIRE AGREEMENT. This rental agreement, including the above initialed attachments, constitutes the entire agreement between the parties and may not be modified except in writing signed by all parties.

31. OWNER OR MANAGER. The owner or manager for service of legal notices is: _____

32. NOTICE: The California Department of Justice, sheriff's departments, police departments serving jurisdictions of 200,000 or more, and many other local law enforcement authorities maintain for public access a database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and is a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.

33. WITNESS the hands and seals of the parties hereto as of this _____ departments serving jurisdictions of 200,000 or more, and many other local law enforcement authorities maintain for public access a database of the locations of persons required to register pursuant to paragraph (1) of subdivision (a) of Section 290.4 of the Penal Code. The data base is updated on a quarterly basis and is a source of information about the presence of these individuals in any neighborhood. The Department of Justice also maintains a Sex Offender Identification Line through which inquiries about individuals may be made. This is a "900" telephone service. Callers must have specific information about individuals they are checking. Information regarding neighborhoods is not available through the "900" telephone service.

WITNESS the hands and seals of the parties hereto as of this _____ day of
October 15, 2015

LANDLORD:

James Farley

TENANT:

[Signature]
JC

[EXHIBIT] “E”

E-E
1



Superior Court of California
County of Sacramento
Sitting as the Juvenile Court

Date: 02/28/14 08:30

Docket No. 14328485

135

In RE: Evelyn Cohen
A Minor Born: 12/11/2013
AGE 2 mos
Court No.: 234276
Xref No. 4917048

PRESENT:

Referee: Natalie S. Lindsey
Reporter: Katherine Van Grinsven
Clerk: Ed Bernardo
Bailiff: Present

PRESENT BEFORE THE COURT:

Jacqueline Cohen, Mother
Eric Cohen, Father
Nicole Rouse, Children's Law Center of Sacramento (CLCSAC 1) for Minor, Evelyn Cohen
Carol Pulido, Deputy County Counsel (DCC) for Department of Health and Human Services (DHHS)
Russ Hopkins, Court Officer for DHHS
Wraymond Plummer, Private Counsel for Father, Eric Cohen
Wraymond Plummer, Private Counsel for Mother, Jacqueline Cohen

PROCEEDING: PRE JURISDICTIONAL STATUS CONFERENCE HEARING [WIC §§355/358]

Notice having been duly served, the original 300 WIC petitions filed on 01/24/2014 reading waived by counsel. The Court explains the nature of proceedings and possible consequences of admitting the allegations of petitions, including removal of the child from care and custody of parent. Court informs parties of constitutional rights, including right to counsel.

The Court has read and considered the petitions, the jurisdiction/disposition report, and the addendums filed by DHHS.

Waiver and Plea form as to the mother and the father are accepted and ordered filed by the Court. The Court finds that the mother and the father have made a knowing, intelligent and voluntary waiver of rights.

By stipulation, the matter is submitted on the basis of the social study report, which the Court read and considered.

THE COURT FINDS:

The birth date of Evelyn Cohen is 12/11/2013 as on the petition.

The child is a resident of Sacramento County.

The Court finds true by preponderance of evidence and sustains allegations as to child Evelyn Cohen (b-1)(b-2); of the original 300 WIC petition(s) filed 01/24/14.

The child is described by 300 (b) WIC.

DISPOSITION PROCEEDINGS:

Parties are proposing a resolution of setting a WIC 360(b) hearing with continued services for parents. If after six months the parents are compliant with their case plan the petitions will be dismissed.

All counsel stipulate to setting a WIC 360(b) hearing with continued services for the parents.

THE COURT ORDERS:

The attached findings and orders are hereby incorporated herein by reference and made a part of this minute order.

The WIC 360 (b) hearing is set for 08/15/14 at 8:30 a.m. in Dept 135, 3341 Power Inn Road, Sacramento, CA 95826.

The mother and the father shall appear for the 08/15/14 court date.

 _____, Court Clerk
E. Bernardo

NOTICE: At any time prior to the expiration of ten (10) days after service of a written copy of the order and findings of a Referee, a child or his/her parent or guardian may apply to the Presiding Judge of the Juvenile Court for a rehearing by complying with Local Rule of Court 7.26. Other relatives and de facto parents do not have a right to apply for a rehearing. If the child, parent or guardian is represented by counsel, the application must be filed by counsel.

E-E
2

1 Evelyn Cohen

234276

FINDINGS:

Jurisdiction

5 The Court has read and considered and admits into evidence the report prepared for
this hearing and filed by the Department of Health and Human Services in this matter;

6 The Court finds based upon the foregoing and all other evidence received:

7 Notice of the date, time and location of the hearing was given to all parties as required
8 by law;

9 The child, EVELYN COHEN, is not an Indian child;

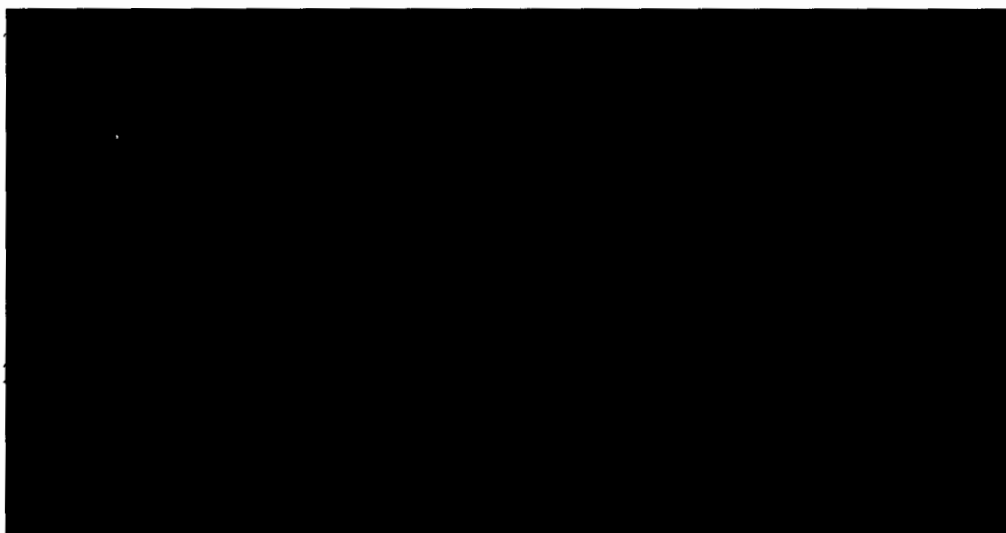
10 The child's county of residence is: Sacramento County;

11 The child's date of birth is: December 11, 2013;

12 These are the names and addresses of all the known presumed and alleged fathers and
13 their children:

14 Name: Erik Cohen
Relationship: presumed father
15 Child: EVELYN COHEN
Child's DOB: December 11,
16 2013

17 By a preponderance of the evidence, the allegations set forth in the petition as
18 originally filed or as amended are true;



E-E
3

234276

1 Evelyn Cohen

2 **THE COURT ORDERS:**

3 ☒ The petition is sustained under, and the child, EVELYN COHEN, is a person
4 described by, Welfare and Institutions Code § (specify all that apply):

5 ☒ 300(b)

6 **FINDINGS:**

7 ☒ The Court has read and considered the assessment report prepared for this hearing and filed
8 by the Department of Health and Human Services in this matter;

9 The Court finds:

10 ☒ All necessary parties have been properly noticed of the hearing;

11 ☒ The child, EVELYN COHEN, is a person described by Welfare and Institutions Code section
12 300;

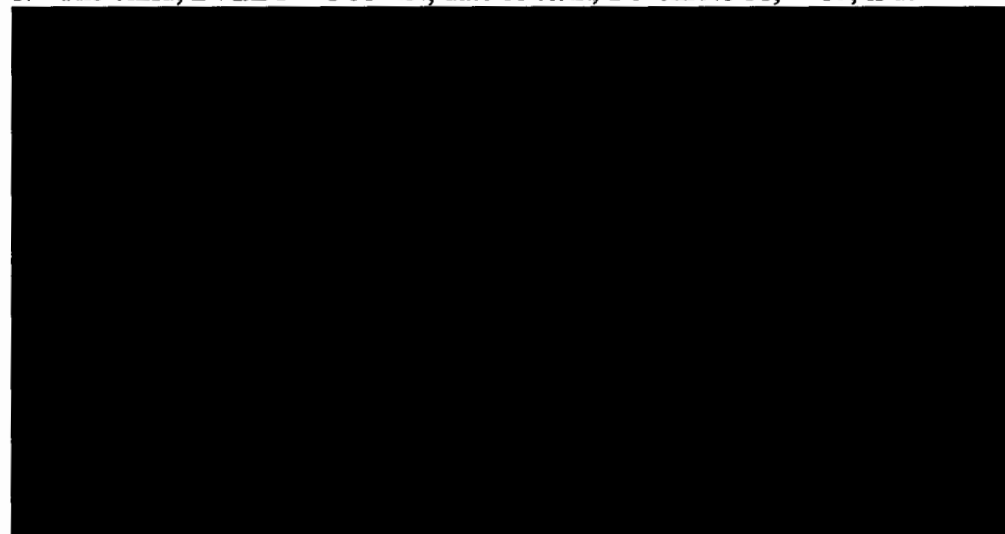
13 The return of the child, EVELYN COHEN to the physical custody of the parents, Jacqueline
14 Cohen and Erik Cohen, would not create a substantial risk of detriment to the safety,
15 protection, or physical or emotional well-being of the child;

16 ☒ Reasonable efforts were made to prevent or eliminate the need for removal for the home;

17 ☒ The agency (Department of Health and Human Services) has complied with the case plan by
18 making reasonable efforts to make it possible for the child, EVELYN COHEN to safely return
19 home and to complete whatever steps are necessary to finalize the permanent placement of the
20 child;

21 The foregoing findings are based on the following facts:

22 1. The child, EVELYN COHEN, date of birth, December 11, 2013, is at



E-E**4**

Evelyn Cohen

234276

THE COURT ORDERS:

☒ The parents, Jacqueline Cohen and Erik Cohen, retain custody of the child, EVELYN COHEN. The child is placed under the supervision of the Department of Health and Human Services for a minimum of six months. The Department of Health and Human Services is ordered to provide services designed to keep the family together as provided in the attached case plan.

☒ The parents, Jacqueline Cohen and Erik Cohen, comply with the case plan(s) attached to the social worker's report prepared for this hearing, as approved by the Court, with any modifications ordered by the Court. The Department of Health and Human Services shall provide the parent(s) with a copy of the case plan(s), including any Court ordered modifications;

☒ A hearing pursuant to 360(b) is hereby calendared.

[EXHIBIT] “F”

SUPERIOR COURT OF CALIFORNIA, COUNTY OF **Sacramento** **E-F**
 STREET ADDRESS: **720 4th Street**
 MAILING ADDRESS:
 CITY AND ZIP CODE: **Sacramento, CA 95814**
 BRANCH NAME:

FOR COURT USE ONLY

LED/ENDORSED

JUN 21 2016

By D. Ricketts, Deputy Clerk

CASE NUMBER:

16FE005083

PEOPLE OF THE STATE OF CALIFORNIA

DEFENDANT: **Erik Cohen** vs. **X: 3714090****CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE**

(CLETS - CPO) (Pen. Code, §§ 136.2, 1203.097(a)(2), 136.2(i)(1), 273.5(j), and 646.9(k))

☒ ORDER UNDER PENAL CODE, § 136.2 ☐ MODIFICATION☐ PROBATION CONDITION ORDER (Pen. Code, § 1203.097)

ORDER UNDER:

☐ PENAL CODE, § 136.2(i)(1) ☐ PENAL CODE, § 273.5(j) ☐ PENAL CODE, § 646.9(k)**This Order May Take Precedence Over Other Conflicting Orders; See Item 4 on Page 2.**PERSON TO BE RESTRAINED (complete name): **Erik Cohen** **2/21/24**
 Sex: ☒ M ☐ F Ht.: **5'5"** Wt.: **145** Hair color: **BLK** Eye color: **BRO** Race: **W** Age: Date of birth: **2/21/24**by this judicial officer order expires **06/21/21** If no date is listed, this order expires Room: in Dept.: **60**

2. **three years from date of issuance**, at (time): **1:30**
3. ☒ Defendant was personally served with a copy of this order at the court hearing, and no additional proof of service of this order is required.
4. FULL NAME, AGE, AND GENDER OF EACH PROTECTED PERSON: **Jacqueline Star Coleman** **(F, 5/28/76)**
5. ☐ For good cause shown, the court grants the protected persons named above the exclusive care, possession, and control of the following animals:
6. ☐ The court has information that the defendant owns or has a firearm or ammunition, or both.
- GOOD CAUSE APPEARING, THE COURT ORDERS THAT THE ABOVE-NAMED DEFENDANT**
 7. must not harass, strike, threaten, assault (sexually or otherwise), follow, stalk, molest, destroy or damage personal or real property, disturb the peace, keep under surveillance, or block movements of the protected persons named above.
 8. must not own, possess, buy or try to buy, receive or try to receive, or otherwise obtain a firearm or ammunition. The defendant must surrender to local law enforcement, or sell to or store with a licensed gun dealer any firearm owned by the defendant or subject to his or her immediate possession or control within 24 hours after service of this order and must file a receipt with the court showing compliance with this order within 48 hours of receiving this order.
 - ☐ The court finds good cause to believe that the defendant has a firearm within his or her immediate possession or control and sets a review hearing for (date): to ascertain whether the defendant has complied with the firearm relinquishment requirements of Code Civ. Proc., § 527.9. (Cal. Rules of Court, rule 4.700.)
 - ☐ The court has made the necessary findings and applies the firearm relinquishment exemption under Code Civ. Proc., § 527.9(f). The defendant is not required to relinquish this firearm (specify make, model, and serial number of firearm):
9. must not attempt to or actually prevent or dissuade any victim or witness from attending a hearing or testifying or making a report to any law enforcement agency or person.
10. must take no action to obtain the addresses or locations of protected persons or their family members, caretakers, or guardian unless good cause exists otherwise. ☐ The court finds good cause not to make the order in item 10.
11. ☐ must be placed on electronic monitoring for (specify length of time): (Not to exceed 1 year from the date of this order. Pen. Code, § 136.2(a)(7)(D) and Pen. Code, § 136.2(i)(2).)
12. ☒ must have no personal, electronic, telephonic, or written contact with the protected persons named above.
13. ☒ must have no contact with the protected persons named above through a third party, except an attorney of record.
14. ☒ must not come within **100** yards of the protected persons and animals named above.
15. ☐ must not take, transfer, sell, encumber, conceal, molest, attack, strike, threaten, harm, or otherwise dispose of the animals described in item 5.
16. ☒ may have peaceful contact with the protected persons named above, as an exception to the "no-contact" or "stay-away" provision in item 12, 13, or 14 of this order, only for the safe exchange of children and court-ordered visitation as stated in:
 - a. ☐ the Family, Juvenile, or Probate court order in case number: issued on (date):
 - b. ☒ any Family, Juvenile, or Probate court order issued after the date this order is signed.
17. ☒ The protected persons may record any prohibited communications made by the restrained person.
18. ☒ Other orders including stay-away orders from specific locations: **Home, Work, School**

Executed on: **6/21/24**
(DATE)

(SIGNATURE OF JUDICIAL OFFICER)

Department/Division:

Form Adopted for Mandatory Use
Judicial Council of California
CR-160 (Rev. July 1, 2014)
Approved by Department of Justice**CRIMINAL PROTECTIVE ORDER—DOMESTIC VIOLENCE**
(CLETS - CPO)Penal Code §§ 136.2, 136.2(a)(2), 273.5(j), 646.9(a), and 136.2(i)(1)
www.courtis.ca.gov

BUNMI O. AWONIYI